1 2 3	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON
4 5	In the Matter of the Educator License of ) CRICKESETHIA J. VARNER  DEFAULT ORDER OF SUSPENSION AND PROBATION
6 7	On May 21, 2020, the Teacher Standards and Practices Commission (Commission)
8	issued a Notice of Opportunity for Hearing to Crickesethia Varner (Varner) in which the
9	Commission charged her with Gross Neglect of Duty. The Notice was sent via U.S. First
10	Class Mail and U.S. Certified Mail Receipt 7019 0700 0002 0914 4444 to the address on file
11	with the Commission. The Notice designated the Commission file as the record for purposes
12	of proving a prima facie case. The Certified Mail receipt was returned to the Commission.
13	The regular, first class mail was not returned to the Commission, and assumed to have been
14	delivered. The Notice of Opportunity of Hearing, dated May 21, 2020, and signed by
15	Michael Rosilez, Executive Director, stated:
16 17 18 19 20 21 22 23 24 25	"IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING, WITHDRAW YOUR REQUEST FOR A HEARING, FAIL TO APPEAR AT A HEARING, OR NOTIFY THE COMMISSION THAT YOU WILL NOT APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE."
26	Varner did not request a hearing. The Commission, therefore, finds Varner to be in default
27	and enters the following findings of fact, conclusions of law, and final order, based on the
28	files and records of the Commission concerning this matter.
29	
30	FINDINGS OF FACT
31	<ol> <li>Crickesethia Varner has been licensed by the Commission since January 25, 2016.</li> </ol>
32	Varner holds a Charter School Teacher Registration, valid from January 22, 2019,
33	through January 25, 2022. During all relevant times, Varner was employed by the
34	KairosPDX Learning Academy (KairosPDX).
35	2. On April 23, 2019, the Commission received information from KairosPDX indicating
36	Varner may have committed acts which constitute gross neglect of duty or gross

unfitness or both. KairosPDX reported that on April 11, 2019, Varner was under the influence of intoxicants at her assigned place of duty.

Investigation established a pattern of behavior dating back to 2017. According to KairosPDX records, on November 27, 2017, multiple staff members reported observing Varner's atypical physical and emotional behavior which caused staff to believe Varner was under the influence of a substance. In a meeting with a school administrator, Varner admitted being impaired from a lack of sleep and drinking wine until approximately 3:30 am that morning. On December 10, 2018, a staff member reported Varner smelled of alcohol and appeared to be under the influence of alcohol at school. Varner was instructed to submit to a breathalyzer test and at approximately 4:00 pm, Varner provided two samples at a clinic, both of which registered 0.00% blood alcohol content (BAC).

Investigation determined that on April 11, 2019, Varner tripped and suffered a head injury at school while participating in a game with students during her physical education class. The school administrator who met with Varner smelled alcohol on her person and directed her to an urgent care facility to seek medical attention for the head injury and to submit to a breathalyzer test. After Varner's visit to the clinic, the school received a report from the clinic that Varner failed to provide two testable breath samples. Varner was directed to return to the clinic and submit to a breathalyzer test, which she did. The results of the tests were 0.154% and 0.153% BAC. On April 12, 2019, KairosPDX terminated Varner from their employment.

## **CONCLUSIONS OF LAW**

Varner's conduct described in section two (2) above constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use professional judgment), OAR 584-020-0025(2)(e) (Using district lawful and reasonable rules and regulations), and OAR 584-020-0040(4)(g) (Appearing on duty or at any district-sponsored activity while under the influence of alcohol, marijuana, or any controlled substance).

1	The Commission's authority to impose discipline in this matter is based upon ORS
2	342.175.
3	
4	FINAL ORDER
5	The Commission hereby suspends Crickesethia Varner's licensure for a period of nine
6	(9) months, to begin upon the date this order is signed and in effect.
7	In addition, the Commission places Varner on probation for a period of three (3)
8	years to commence upon Varner's reinstatement from suspension. This probation period is
9	subject to the following terms and conditions:
10	1. Varner shall comply with the Standards for Competent and Ethical Performance
11	of Oregon Educators under Oregon Administrative Rules Chapter 584, Division
12	020.
13	2. Varner shall submit a comprehensive Drug/Alcohol evaluation from a
14	Commission approved provider and will be participating in or have successfully
15	complete any treatment as recommended from such a report prior to
16	reinstatement.
17	3. Varner shall submit to a psychological fitness-for-duty evaluation and be
18	recommended fit to teach prior to reinstatement.
19	sh
20	IT IS SO ORDERED THISday of June, 2020.
21	TEACHER STANDARDS AND PRACTICES COMMISSION
22 23 24	By:
25 26 27	NOTICE OF APPEAL OR RIGHTS
28 29 30 31	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.